



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,998	11/03/2003	Victor H. Garmong	020028CIP	5383

26285 7590 01/23/2007
KIRKPATRICK & LOCKHART PRESTON GATES ELLIS LLP
535 SMITHFIELD STREET
PITTSBURGH, PA 15222

EXAMINER

NGO, HUNG V

ART UNIT	PAPER NUMBER
----------	--------------

2831

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/699,998	Applicant(s) GARMONG, VICTOR H.	
	Examiner Hung V. Ngo	Art Unit 2831	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10-31-06.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 22-38, 47-63 and 118-144 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 47 and 118-127 is/are rejected.
- 7) ☒ Claim(s) 1-12, 22-38, 48-63 and 128-144 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 47, 118-125 are rejected under 35 U.S.C. 102(b) as being anticipated by Massey et al (US 5,966,104).

Re claim 47, an articulated mast, comprising: a base member; and

at least two rigid mast segments (54, 56) pivotally interconnected in series and being supported by said base member (48), and wherein at least two of said pivotally interconnected mast segments are selectively pivotable relative to each other between positions wherein said at least two pivotably interconnected mast segments are coaxially aligned with each other and other positions wherein said at least two pivotably mast segments are not coaxially aligned relative to each other (Figs 5a, 5b).

Re claim 118, Massey et al disclose an articulated communications mast, comprising: a plurality of rigid mast segments (54, 56) wherein at least two said mast segments are interconnected in series and are selectively movable relative to each other between positions wherein said at least two mast segments are coaxially aligned with each other in serial fashion (Fig 5b) and other positions wherein said at least two mast segments are not coaxially aligned relative to each other (Fig 5a); and

Art Unit: 2831

at least one communication signal device (14) supported by at least one of said mast segments.

Re claim 119, wherein at least one of said at least one communication signal devices comprises an antenna (abstract)

Re claim 120 wherein one of said plurality of said mast segments is attached to a base member (48)(Fig 4, 5b).

Re claim 121 wherein said plurality of mast segments are movable from a position wherein said mast segments extend vertically from said base member in a coaxially aligned end-to-end orientation to said position (Fig 5b) wherein

said at least two mast segments are not coaxially aligned in a folded position (Fig 5a).

re claim 122 wherein said plurality of mast segments are supported on a platform and are movable from a position wherein said mast segments extend vertically from said platform in a coaxially aligned end-to-end orientation to said position wherein said at least two mast segments are not coaxially aligned in a folded position (Figs 5a, 5b).

re claim 123, wherein when said mast segments are in said folded position, none of the mast segments extend laterally beyond a perimeter of said platform (Fig 5a).

re claim 124, wherein at least two said mast segments are movably interconnected by an actuator for moving said at least two mast segments between said position wherein said at least two mast segments are coaxially aligned with each other and said other positions wherein said at least two mast segments are not coaxially aligned relative to each other (Fig 5a, 5b).

Art Unit: 2831

re claim 125, wherein said actuator is selected from the group of actuators comprising: a hydraulic cylinder, a pneumatic cylinder, and a lead screw/stepper motor (60).

Claims 47, 118, 122, 123, 126, 127 are rejected under 35 U.S.C. 102(b) as being anticipated by Bert et al (US 4,460,895).

Re claim 47, an articulated mast, comprising: a base member; and
at least two rigid mast segments (13, 14) pivotally interconnected in series and being supported by said base member (fig 1), and wherein at least two of said pivotally interconnected mast segments are selectively pivotable relative to each other between positions wherein said at least two pivotably interconnected mast segments are coaxially aligned with each other and other positions wherein said at least two pivotably mast segments are not coaxially aligned relative to each other (Figs 1, 2).

Re claim 118, Bert et al disclose an articulated communications mast, comprising: a plurality of rigid mast segments (13, 14) wherein at least two said mast segments are interconnected in series and are selectively movable relative to each other between positions wherein said at least two mast segments are coaxially aligned with each other in serial fashion (Fig 2) and other positions wherein said at least two mast segments are not coaxially aligned relative to each other (Fig 1); and at least one communication signal device (18) supported by at least one of said mast segments.

re claim 122 wherein said plurality of mast segments are supported on a platform and are movable from a position wherein said mast segments extend vertically from

Art Unit: 2831

said platform in a coaxially aligned end-to-end orientation to said position wherein said at least two mast segments are not coaxially aligned in a folded position (Fig 1, 2).

re claim 123, wherein when said mast segments are in said folded position, none of the mast segments extend laterally beyond a perimeter of said platform (Fig 1).

Re claim 126, wherein, the platform is electrically grounded (col. 6, line 28).

Re claim 127, see figs 1, 2.

Allowable Subject Matter

Claims 1-12, 22-38, 48-63, 128-144 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to claim 47 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

Art Unit: 2831

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung V. Ngo whose telephone number is (571) 272-1979. The examiner can normally be reached on Monday to Thursday 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean A. Reichard can be reached on (571) 272-2800 EXT 31. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/699,998

Page 7

Art Unit: 2831

HVN
1-16-07

Hung V. Ngo

**HUNG V. NGO
PRIMARY EXAMINER**